

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4017-12
Bill No.: HCS for SS for SS for SCS for SB 1122
Subject: Dentists; Licenses - Professional; Health Care Professionals; Corporations
Type: Original
Date: May 6, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Economic Development - Division of Professional Registration, Department of Transportation, Department of Conservation, Department of Health and Senior Services, and the Department of Social Services** assume this proposal will have no fiscal impact on their organizations.

Officials from the **Office of Administration - Administrative Hearing Commission** state they do not anticipate that this proposal will significantly alter their caseload. However, if other similar proposals also pass, there are more cases, or the cases are more complex, there could be a fiscal impact.

Officials from the **Office of State Courts Administrator** stated this proposal would have no fiscal impact on the Courts.

Officials from the **Office of the Secretary of State (SOS)** state this proposal modifies provisions relating to the practice of dentistry. Based on experience with other divisions, the rules, regulations and forms issued by the Missouri Dental Board could require as many as 12 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in ASSUMPTION (continued)

future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$738 [(12 pp x \$27) + (18 pp x \$23)].

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal modifies provisions relating to the practice of dentistry and the powers of the Dental Board:

SECTION 332.032

The Dental Board is authorized to issue and enforce subpoenas, including subpoenas duces tecum.

SECTION 332.051

Board investigators are authorized to inspect any person or entity licensed by the board or providing dental services, including all facilities and equipment related to the delivery of dental care or the making of dental prostheses. The investigators may also inspect clinical and

DESCRIPTION (continued)

administrative records related to the dental care of patients.

SECTION 332.071

The definition of the "practice of dentistry" is modified to include any person who controls, influences, attempts to control or influence, or otherwise interferes with the dentist's independent professional judgment regarding the diagnosis or treatment of a dental disease, disorder, or physical condition except that any opinion rendered by any health care professional licensed under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, regarding the diagnosis, treatment, disorder, or physical condition of any patient shall not be construed to control, influence, attempt to control or influence or otherwise interfere with a dentist's independent professional judgement.

SECTION 332.081

The proposal provides that nothing shall make it unlawful for dental hygiene students and persons practicing dentistry in children's hospitals, certain federally qualified health centers, governmental entities, including county health departments, or migrant, community, or health care for the homeless health centers to provide appropriate services.

Certain federally qualified not-for-profit corporations may provide dental services if such corporation employs personnel licensed in this state and serves certain low-income populations. The corporation shall not interfere with a licensed dentist's professional judgement and must apply for a permit from the Dental Board to employ licensed dental personnel to render dental services. No fee shall be charged for the issuance or renewal of a permit. The permitted corporation shall be subject to discipline in the same manner as any other licensee of the board.

SECTION 332.111

Any person who practices as a dental hygienist who is not duly registered and currently licensed is guilty of a class A misdemeanor.

SECTION 332.121

The proposal authorizes the board to seek injunctive relief against a corporation or other entity and creates a new basis for seeking injunctive relief relating to interference by a person or entity with the professional judgement of a licensed dentist.

DESCRIPTION (continued)

SECTION 332.122

This section states that the determination of whether a service provided to a patient is covered or reimbursable under the terms of a health benefit or dental benefit plan and the creation and management of a health care provider is deemed not to be the practice of dentistry and is not in any way subject to the provisions of Chapter 332, RSMo.

The following sections make provisions regarding physical therapists:

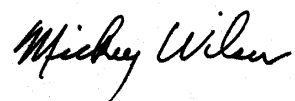
SECTION 334.100 and SECTION 334.506

Makes it a cause for discipline of a physical therapist's license to practice independent of the prescription and direction of a physician, dentist, or podiatrist licensed in another state. However, physical therapists may provide certain services without prescription or direction, with limitations, to any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration -
Administrative Hearing Commission
Department of Economic Development -
Division of Professional Registration
Department of Health and Senior Services
Department of Social Services
Office of Secretary of State
Office of State Courts Administrator
Department of Transportation
Department of Conservation



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